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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/669,831 09/26/00 DYER

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IM52/1024

EXAMINER

TOLIN, M

ART UNIT

PAPER NUMBER

1733

DATE MAILED:

10/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.

09/669,831

Applicant(s)

DYER, GORDON WAYNE

Examiner

Michael A. Tolin

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of claims 15-33 in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Objections***

2. Claims 17, 22, and 32 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

The microwave frequency range is from about 3 GHz to 3000 GHz. Thus the dependent claims improperly remove the microwave limitation from the independent claims since they include frequencies beyond the microwave range required by the independent claims.

3. Claim 19 is objected to because of the following informalities: In line 9, it appears --and-- should be inserted before "the plastic". Appropriate correction is required.

4. Claims 26-32 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 19-25. Also, claims 31 and 33 appear to be substantial duplicates. When two

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claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim.

See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 15-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 15, 19, and 26, it is unclear that the particular shape of glass has a margin and a center. As currently worded, the glass has a margin and a center prior to forming. The same problem exists with respect to the plastic shape. In the remaining part of the claim, it is unclear if the terms "glass" and "plastic" refer to the formed glass and plastic shapes or to the glass and plastic materials used to form these shapes.

Regarding claims 15, 19, and 26, it is unclear if the final product composite is devoid of sealant in the center region. The Abstract of the disclosure indicates the invention is directed to forming a peripheral seal, but the claims are not clearly limited to such.

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Regarding claims 15, 19, 23, 26, and 29, the scope of "effective time" and "effective amount" is entirely unclear. Effective for what?

Regarding claims 15, 17, 19, 22, 26, and 32, the microwave frequency range is from about 3 GHz to 3000 GHz. Thus it is unclear what is meant by "microwave" in the independent claims because the respective dependent claims indicate frequencies outside of the microwave range. Also, it is entirely unclear how the dependent claims properly further limit the respective independent claims since they include frequencies beyond the microwave range indicated by the independent claims.

Regarding claims 24, 25, 27, and 28, "the force of the vice" lacks proper antecedent basis.

Regarding claim 26, it is entirely unclear how claim 26 differs in scope from claim 19. Accordingly, dependent claims 20 and 30, 21 and 31, 22 and 32, 23 and 29, 24 and 27, 25 and 28 also appear to have the same scope. Also, claims 31 and 33 appear to have the same scope.

#### ***Allowable Subject Matter***

7. Claims 15-33 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

It is generally known to eliminate the disadvantages and combine the advantages associated respectively with glass and plastic by forming glass-plastic composites for optical and ophthalmic use (Petcen, US 4543146, col. 1, lines 10-30). It is known to bond optical substrates by providing adhesive between the substrates, placing the substrates in a vacuum chamber, and subsequently setting the adhesive (Wood, US

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6106665, Abstract, Fig. 1; col. 3, lines 4-16; col. 4, lines 19-50; col. 9, lines 34-67). It is known to provide pressing means for providing uniform pressure to optical substrates in order to evenly spread adhesive and remove air therebetween without deforming the substrates (Vaughan, US 4927480). It is further known to cure while pressing and that several curing methods are known to be suitable for curing the adhesive, including microwave curing (Kohan, US 5851328; col. 14, lines 14-60, col. 13, lines 30-50). It is also generally well known to use microwave transparent pressing means to allow exposure to microwave radiation while pressing, as evidenced by (Elsner, US 6165300; Abstract; Figs. 2, 4, and 7; col. 4, lines 25-43). However, in combination with the claimed limitations, no teaching or suggestion was found in the prior art of record to apply sealant only to the margin of the glass and the margin of the plastic whereby the center of the glass and the center of the plastic are devoid of sealant. In contrast, Kohan, Wood, and Elsner suggest placing the adhesive on the center of a substrate. In particular, these references are directed to forming an even layer of adhesive over the entire interface between the substrates, whereas the claimed method allows a seal to be located in a peripheral, non-optical portion of the composite to minimize interference of the seal with the optical function of the composite. See Abstract of Applicant's specification.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Tolin whose telephone number is (703) 305-6618. The examiner can normally be reached on Monday-Thursday 9:30am-8pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

October 19, 2001

Michael A. Tolin

A handwritten signature in black ink, appearing to read "Michael A. Tolin".

Patent Examiner